

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAMZAH NAFI FARID a/k/a DARRYL
A. ROBINSON,

Plaintiff,

v.

Case No. 05-CV-73947-DT

TONY BAYNES,

Defendant.

ORDER OF DISMISSAL

Plaintiff Hamzah Nafi Farid, who is also known as Darryl A. Robinson, filed a *pro se* civil rights complaint in the Western District of Michigan on September 14, 2005. United States Magistrate Judge Timothy P. Greeley transferred the case to this district.

Upon receipt of the complaint in this district, United States Magistrate Judge R. Steven Whalen noticed that Plaintiff had not paid the filing fee, nor applied for leave to proceed without prepayment of fees and costs for this action. Accordingly, on November 1, 2005, Magistrate Judge Whalen issued an order directing Plaintiff to submit the filing fee of \$250.00 or to apply for leave to proceed without prepayment of the fees and costs within twenty-one days of the date of the order. The order stated that failure to comply could result in a dismissal of the complaint. To date, the court has not received a response from Plaintiff.

The United States Court of Appeals for the Sixth Circuit explained in *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997), that

[p]auper status for inmates, as we previously knew it, no longer exists. While incarcerated, all prisoners must now pay the required filing fees and costs. 28 U.S.C. §§ 1915(b)(1)-(2), 1915(f)(2). When an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan. Prisoners are no longer entitled to a waiver of fees and costs. See *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir.1997).

When a prisoner files a complaint in the district court, the inmate must either pay the entire filing fee, or request leave to proceed in forma pauperis "without prepayment of fees or security therefor" under 28 U.S.C. § 1915(a)(1).

Id. at 604.

Plaintiff has neither paid the filing fee of \$250.00, nor applied for leave to proceed without prepayment of the filing fee. Therefore, his complaint is summarily DISMISSED without prejudice.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 11, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522